

House Amendment 1448

PAG LIN

1 1 Amend Senate File 433, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by inserting after line 1 the
1 4 following:
1 5 <Sec. _____. Section 135C.36, subsection 2, Code
1 6 2009, is amended to read as follows:
1 7 2. A Class II violation is one which has a direct
1 8 or immediate relationship to the health, safety or
1 9 security of residents of a health care facility, but
1 10 which presents no imminent danger nor substantial
1 11 probability of death or physical harm to them. A
1 12 physical condition or one or more practices within a
1 13 facility, including either physical abuse of any
1 14 resident or failure to treat any resident with
1 15 consideration, respect and full recognition of the
1 16 resident's dignity and individuality, in violation of
1 17 a specific rule adopted by the department, may
1 18 constitute a Class II violation. A violation of
1 19 section 135C.14, subsection 8, or section 135C.31 and
1 20 rules adopted under those sections shall be at least a
1 21 Class II violation and may be a Class I violation. A
1 22 Class II violation shall be corrected within a stated
1 23 period of time determined by the department and
1 24 specified in the citation issued under section
1 25 135C.40. The stated period of time specified in the
1 26 citation may subsequently be modified by the
1 27 department for good cause shown. A licensee is subject
1 28 to a penalty of not less than one hundred nor more
1 29 than five hundred dollars for each Class II violation
1 30 for which the licensee's facility is cited, however
1 31 the director may, upon written request of the
1 32 facility, waive the penalty if the violation is
1 33 corrected within the time specified in the citation.
1 34 The department shall adopt rules in accordance with
1 35 chapter 17A establishing criteria for the granting or
1 36 denial of a waiver request.>
1 37 #2. Page 2, by striking lines 4 through 10.
1 38 #3. By striking page 2, line 27, through page 3,
1 39 line 15, and inserting the following:
1 40 <1. If the director determines, based on the
1 41 findings of an inspection or investigation of a health
1 42 care facility, that the facility is in violation of
1 43 this chapter or rules adopted under this chapter, the
1 44 director within five working days after making the
1 45 determination, may issue a written citation to the
1 46 facility. The citation shall be served upon the
1 47 facility personally, by electronic mail, or by
1 48 certified mail, except that a citation for a Class III
1 49 violation may be sent by ordinary mail. Each citation
1 50 shall specifically describe the nature of the
2 1 violation, identifying the Code section or subsection
2 2 or the rule or standard violated, and the
2 3 classification of the violation under section 135C.36.
2 4 Where appropriate, the citation shall also state the
2 5 period of time allowed for correction of the
2 6 violation, which shall in each case be the shortest
2 7 period of time the department deems feasible. Failure
2 8 to correct a violation within the time specified,
2 9 unless the licensee shows that the failure was due to
2 10 circumstances beyond the licensee's control, shall
2 11 subject the facility to a further penalty of fifty
2 12 dollars for each day that the violation continues
2 13 after the time specified for correction.>
2 14 #4. Page 4, by inserting after line 10 the
2 15 following:
2 16 <Sec. _____. NEW SECTION. 135.40A ISSUANCE OF
2 17 FINAL FINDINGS.
2 18 The department shall issue the final findings of an
2 19 inspection or investigation of a health care facility
2 20 within ten working days after completion of the
2 21 on-site inspection or investigation. The final
2 22 findings shall be served upon the facility personally,
2 23 by electronic mail, or by certified mail.>
2 24 #5. Page 5, by striking line 4 and inserting the

2 25 following: <interventions that have an impact on
2 26 the>.
2 27 [#6.](#) By renumbering as necessary.
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2 32 SF 433.502 83
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